

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.35719 of 2015

and

M.P.No.1 of 2015

C.Rajeshwari

... Petitioner

vs.

The Executive Officer,
Arulmigu Vellingiri Andavar Thirukovil
Poondi, Senmedu,
Coimbatore District.

.... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of certiorarified mandamus, calling for the records of the respondent by proceedings dated 30.04.2015 and quash the same and consequently direct the respondent to remove the Notice Board displayed in the petitioner's property comprised in SF No.1078/1, Ikkarai Boluvampatti Village, coimbatore.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

ORDER

By impugned proceedings, the petitioner was asked to handover possession on the ground that he has encroached upon the property belonging to the respondent Temple. It also says that on his failure to comply with the same, an action would be taken under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959.

2. The learned counsel appearing for the petitioner submitted that the respondent cannot force the petitioner to handover the possession.

3. This Court is not inclined to accept the said submission as the order impugned is only an intimation. Certainly, on the failure of the petitioner to comply with the same, the respondent cannot throw the petitioner out as the same has to be

done through the competent authority. The petitioner will have the liberty to put forth his contention in the anticipated proceedings to be taken under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Thus, the stage is premature.

4. Accordingly, the present writ petition stands disposed of, giving liberty to the petitioner to put forth his contention in the event of any proceedings to be initiated under Section 78 of HR&CE Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

The Executive Officer,
Arulmigu Vellingiri Andavar Thirukovil
Poondi, Senmedu,
Coimbatore District.

+1 CC to MR.P.Saravana Sowmiyan Advocate. SR.NO. 60570

W.P. No.35719 of 2015

CO-AD
JD 08/12/2015

सत्यमेव जयते

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